

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 08-11021-RGS

STEPHEN J. GOODMAN

v.

DAVID E. BELFORT, ESQ.

ORDER ON MOTION FOR RECONSIDERATION

May 14, 2009

STEARNS, D.J.

Plaintiff Stephen Goodman seeks reconsideration of the court's Order of April 14, 2009, allowing defendant's motion to join the law firm of Corrigan, Bennet & Belfort, P.C. (CBB) as a plaintiff-in-counterclaim pursuant to Fed. R. Civ. P. 20. Goodman argues that CBB cannot be properly joined because its counterclaim, which alleges \$34,190.36 in unpaid attorney's fees, does not meet the amount-in-controversy requirement necessary to confer jurisdiction on this court. See 28 U.S.C. § 1332.

Goodman relies primarily on the First Circuit's ruling in Rosario Ortega v. Star-Kist Foods, Inc., 370 F.3d 124, 133 (1st Cir. 2004). In that case, the Court ruled that for Rule 20 purposes, each plaintiff must independently satisfy the \$75,000 threshold of section 1332. Id. However, the United States Supreme Court, after granting certiorari in Ortega and another case, reversed the First Circuit Rosario Ortega decision in Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546 (2005). Interpreting the supplemental jurisdiction statute, 28 U.S.C. § 1367, the Supreme Court reasoned that the presence of other claims, "over which the district court may lack original jurisdiction, is of no moment. If the court

has original jurisdiction over a single claim in the complaint, it has original jurisdiction over a 'civil action' . . . Nothing . . . withholds supplemental jurisdiction over the claims of plaintiffs permissively joined under Rule 20." Id. at 559-560. In this diversity action, it is undisputed that Goodman has met the amount-in-controversy requirement. Moreover, the joinder of CBB, a Massachusetts citizen, does not destroy the diversity of parties in this matter (Goodman is a New Hampshire resident, defendant Belfort is a Massachusetts citizen). Therefore, this court may properly exercise jurisdiction over CBB's counterclaim. Id. at 566.

CONCLUSION

For the foregoing reasons, Goodman's motion for reconsideration is DENIED.

SO ORDERED

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE